REMARKS

Claims 8 and 17 have been canceled. Thus, claims 1-7, 9-16, and 18-19 are pending in the present application.

In the Office Action, claims 1-3, 7-12, and 16-19 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Hasan (U.S. Patent Publication No. 2005/0094138). Claims 4-6 and 13-15 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hasan in view of Conboy, et al (U.S. Patent No. 6,392,403). Claims 8 and 17 have been canceled, rendering the Examiner's rejections of those claims moot. The Examiner's remaining rejections are respectfully traversed.

Independent claims 1, 10, and 19 set forth determining a precision metric associated with each of a plurality of metrology tools, generating a metrology request including context information, and identifying a precision requirement for the metrology request based on the context information. The precision requirement is identified by <u>extracting a metrology event type from the context information and associating the metrology event type with the precision requirement</u>. Metrology event types may include control actions, control model updates, fault detection and control (FDC) model updates, FDC checks, and the like. For example, the precision requirement may be identified by extracting information indicating that the metrology event type is a control action from the context information and then using a table that indicates that control actions require a precision of 5%. See Patent Application, Table 1 and related discussion. Claims 1, 10, and 19 further set forth identifying a set of the metrology tools capable of satisfying the metrology request based on the precision requirement and the precision metrics.

Hasan describes a measurement system cluster 2, which includes an optical character recognition system 44 that may provide wafer identifications associated with one or more wafers

4. Capability requirement information associated with the wafer 4, such as a required accuracy for measurements of features formed on the wafer 4, may be derived from the wafer identification. See Hasan, paragraphs [0029-0030]. However, Hasan does not describe or suggest identifying a precision requirement by extracting a metrology event type from the context information and associating the metrology event type with the precision requirement, as set forth in independent claims 1, 10, and 19.

For at least the aforementioned reasons, Applicants respectfully submit that the present invention is not anticipated by Hasan and request that the Examiner's rejections of claims 1-3, 7, 9-12, 16, and 18-19 under 35 U.S.C. 102(e) be withdrawn.

Moreover, it is respectfully submitted that the pending claims are not obvious in view of Hasan and Conboy, either alone or in combination. To establish a *prima facie* case of obviousness, the prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974). As discussed above, Hasan does not describe or suggest identifying a precision requirement by extracting a metrology event type from the context information and associating the metrology event type with the precision requirement, as set forth in independent claims 1, 10, and 19. Conboy is concerned with a system for stocking and sorting wafers in a wafer processing system. However, Conboy fails to describe or suggest identifying a precision requirement by extracting a metrology event type from the context information and associating the metrology event type with the precision requirement.

The cited references also failed to provide any suggestion or motivation to modify the prior art of record to arrive at Applicants' claimed invention. Hasan is completely silent with regard to associating an event type with measurements performed by a metrology tool and with

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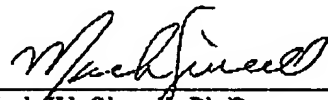
regard to any association between event types and precision requirements. Accordingly, Hasan fails to provide any suggestion or motivation for identifying a precision requirement by extracting a metrology event type from the context information and associating the metrology event type with the precision requirement. Conboy is similarly unconcerned with precision requirements that may be associated with metrology event types and therefore also fails to provide any suggestion or motivation for identifying a precision requirement by extracting a metrology event type from the context information and associating the metrology event type with the precision requirement.

For at least the aforementioned reasons, Applicants respectfully submit that the Examiner has failed to make a *prima facie* case that the present invention is obvious in view of the prior art of record. Applicants respectfully request that the Examiner's rejections of claims 4-6 and 13-15 under 35 U.S.C. 103(a) be withdrawn.

For the aforementioned reasons, it is respectfully submitted that all claims pending in the present application are in condition for allowance. The Examiner is invited to contact the undersigned at (713) 934-4052 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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